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SENATE BILL 198

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

David Ulibarri

AN ACT

RELATING TO HEALTH CARE; AMENDING THE REVIEW ORGANIZATION
IMMUNITY ACT TO INCLUDE THE DEPARTMENT OF HEALTH'S MORTALITY
REVIEW ACTIVITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-9-1 NMSA 1978 (being Laws 1979,
Chapter 169, Section 1) is amended to read:

"41-9-1. SHORT TITLE.--~~[This act]~~ Chapter 41, Article 9
NMSA 1978 may be cited as the "Review Organization Immunity
Act"."

Section 2. Section 41-9-2 NMSA 1978 (being Laws 1979,
Chapter 169, Section 2, as amended) is amended to read:

"41-9-2. DEFINITIONS.--As used in the Review Organization
Immunity Act:

A. "person" means any individual, corporation,

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1 partnership, firm or other entity;

2 B. "health care provider" means any person licensed
3 by the state or permitted by law to provide health care
4 services;

5 C. "health care services" means services rendered
6 by a health care provider of the type the health care provider
7 is licensed or permitted to provide;

8 D. "staff" means the members of the governing
9 board, officers and employees of a health care provider [~~which~~]
10 that is not an individual; and

11 E. "review organization":

12 (1) means an organization whose membership is
13 limited to health care providers and staff, except where
14 otherwise provided for by state or federal law, and [~~which~~]
15 that is established by a health care provider [~~which~~] that is a
16 hospital, by one or more state or local associations of health
17 care providers, by a nonprofit health care plan, by a health
18 maintenance organization, by an emergency medical services
19 system or provider as defined in the Emergency Medical Services
20 Act or by a professional standards review organization
21 established pursuant to 42 U.S.C. Section 1320c-1, et seq., to
22 gather and review information relating to the care and
23 treatment of patients for the purposes of:

24 [~~(1)~~] (a) evaluating and improving the
25 quality of health care services rendered in the area or by a

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1 health care provider;

2 [~~(2)~~] (b) reducing morbidity or
3 mortality;

4 [~~(3)~~] (c) obtaining and disseminating
5 statistics and information relative to the treatment and
6 prevention of diseases, illnesses and injuries;

7 [~~(4)~~] (d) developing and publishing
8 guidelines showing the norms of health care services in the
9 area or by health care providers;

10 [~~(5)~~] (e) developing and publishing
11 guidelines designed to keep within reasonable bounds the cost
12 of health care services;

13 [~~(6)~~] (f) reviewing the nature, quality
14 or cost of health care services provided to enrollees of health
15 maintenance organizations and nonprofit health care plans;

16 [~~(7)~~] (g) acting as a professional
17 standards review organization pursuant to 42 U.S.C. Section
18 1320c-1, et seq.; or

19 [~~(8)~~] (h) determining whether a health
20 care provider shall be granted authority to provide health care
21 services using the health care provider's facilities or whether
22 a health care provider's privileges should be limited,
23 suspended or revoked; and

24 (2) includes the department of health when it
25 is engaged in mortality review activities pursuant to

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Subsection U of Section 24-1-3 NMSA 1978."

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